

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAVARIAN NORDIC A/S,)
)
Plaintiff,)
)
v.) C.A. No. 05-614 (SLR)
)
ACAMBIS INC. and)
ACAMBIS PLC,)
)
Defendants.)
)

ACAMBIS'S RESPONSE TO BN'S APPLICATION FOR ORAL ARGUMENT

Acambis hereby responds to BN's application for oral argument (D.I. 69) on Acambis's motion to dismiss trade secrets in favor of arbitration (D.I. 49), which has been fully briefed. As a reason for its request, BN asserts that Acambis's reply brief made "several materially misleading statements." Acambis believes that its reply brief does not contain any misleading statements, material or otherwise, and BN does not identify any such statements to support its charge. Acambis further believes that its motion for arbitration can be readily decided on the papers alone, including BN's pleadings and discovery responses. However, Acambis does not object to addressing the motion orally and notes that, if the Court wishes to hear argument, the August 22 discovery conference might provide an opportune time.

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/s/ Mary B. Graham

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Dated: August 3, 2006
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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2006, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

John W. Shaw, Esquire
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Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on August 3, 2006 upon the following individuals in the manner indicated:

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